



4/17/2009  
**California Regional Water Quality Control Board**  
**San Diego Region**



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<http://www.waterboards.ca.gov/sandiego>

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**  
**7008 1140 0002 8456 9588**

April 17, 2009

In reply refer to:  
T10000000364:CKomeylyan

Mr. Thomas Driscoll, President  
Driscoll's West Boat Repair  
2700 Shelter Island Drive  
San Diego, CA 92106

Dear Mr. Driscoll:

**SUBJECT: NOTICE OF VIOLATION NO. R9-2009- 0052: FAILURE TO COMPLY WITH  
DIRECTIVES OF INVESTIGATIVE ORDER NO. R9-2008-0102:  
DRISCOLL'S WEST BOAT REPAIR, 2700 SHELTER ISLAND DRIVE, SAN  
DIEGO, CALIFORNIA  
(T10000000364)**

Enclosed is Notice of Violation (NOV) No. R9-2009-0052 alleging that Driscoll's West Boat Repair violated directives of Investigative Order No. R9-2008-0102 (Investigation Order). Driscoll's West Boat Repair failed to comply with directives A.1 thru A.5 of the Investigative Order by failing to submit an adequate Investigation Report.

These violations subject Driscoll's West Boat Repair to enforcement action by the California Regional Water Quality Control Board, San Diego Region, including but not limited to: imposition of administrative civil liability under California Water Code section 13268 in amounts of up to \$1,000 per day or referral to the State Attorney General for injunctive relief, and referral to the District Attorney for criminal prosecution.

"In the subject line of any response, please include the requested "In reply refer to" information located in the heading of this letter.

**California Environmental Protection Agency**



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Mr. Thomas Driscoll  
Notice of Violation R9-2009-0052  
Driscoll's West Boat Repair  
Facility (T10000000364)

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April 17, 2009

Questions or written correspondence pertaining to the Notice of Violation should be directed to Ms. Sherrie Komeylyan at (858) 467-2734, via e-mail at [CKomeylyan@waterboards.ca.gov](mailto:CKomeylyan@waterboards.ca.gov), or to the address above.

Respectfully,



Julie Chan  
Chief, Groundwater Basins Branch

JC:jpa:ck

Attachments: Notice of Violation No. R9-2009-0052

cc (via email): Mr. William Hays, The Port of San Diego, [Bhays@portofsandiego.org](mailto:Bhays@portofsandiego.org)

Mr. Robin D. Lewis, Office of Spill Prevention and Response, Department of Fish and Game, [RLewis@ospr.dfg.ca.gov](mailto:RLewis@ospr.dfg.ca.gov)

Mr. Sree Gopinath, The Bodhi Group, [sree@thebodhigroup.com](mailto:sree@thebodhigroup.com)



IN THE MATTER OF )

Thomas Driscoll )  
Driscoll's West Boat Repair )  
2700 Shelter Island Drive )  
San Diego, CA 92106 )

NOTICE OF VIOLATION  
No. R9-2009-0052

April 17, 2009

Investigative Order No. R9-2008-0102, Driscoll's West Boat Repair

Site: Driscoll's West Boat Repair, 2700 Shelter Island Drive, San Diego, CA

**YOU ARE HEREBY NOTIFIED THAT:**

You are in violation of Investigative Order (Order) No. R9-2008-0102, Driscoll's West Boat Repair, 2700 Shelter Island Drive, San Diego, California. Such violations subject Driscoll's West Boat Repair to enforcement action by the California Regional Water Quality Control Board, San Diego Region (Regional Board), including but not limited to: imposition of administrative civil liability under California Water Code section 13268 in amounts of up to \$1,000 per day or referral to the State Attorney General for injunctive relief, and referral to the District Attorney for criminal prosecution.

Order No. R9-2008-0102 required information pursuant to sections 13267 and 13383 of the Water Code. Specifically the Order required Driscoll's West Boat Repair to submit an Investigation Report containing a detailed, comprehensive, and thorough discussion of the methods, approach, findings, conclusion(s), and recommendation(s) of a water quality investigation.

**SUMMARY OF VIOLATIONS**

**1. FAILURE TO IMPLEMENT DIRECTIVE A.1 through A.5 OF INVESTIGATIVE ORDER NO. R9-2008-0102**

**Directive A.1 through A. 5.** required Driscoll's West Boat Repair to submit an Investigation Report that describes and reports the findings of a scientifically defensible technical investigation that identifies:

1. All constituents of concern (COCs);
2. All areas affected by the discharge of COCs;
3. The concentrations of COCs in surface water, groundwater, and soil;
4. All possible sources of the COCs discharged to surface waters at Driscoll's West Boat Repair and the immediate steps that have been taken to stop the illegal discharge; and

5. The possible effects of the discharge on the environment and water quality.

**Finding:** The Report of Potential Sources of Fuel Contamination (Report) submitted on December 11, 2008 has the following deficiencies:

1. The Report did not identify, describe, and report all COCs. The Report only identified COCs related to petroleum hydrocarbon releases.
2. All areas affected by the discharge of COCs were not identified. Specifically the northern portion of the facility, the area of HA 6, and area of HA 106 warrant further investigation.

*Julie Chan*

JULIE CHAN

Chief, Groundwater Basins Branch

*April 17, 2009*

